

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**SPACE EXPLORATION
TECHNOLOGIES CORP.,**

Plaintiff,

v.

**NATIONAL LABOR RELATIONS
BOARD, a federal administrative agency,
JENNIFER ABRUZZO, in her official
capacity as the General Counsel of the
National Labor Relations Board, LAUREN
M. McFERRAN, in her official capacity as
the Chairman of the National Labor
Relations Board, MARVIN E. KAPLAN,
GWYNNE A. WILCOX, and DAVID M.
PROUTY, in their official capacities as
Board Members of the National Labor
Relations Board, and JOHN DOE in his
official capacity as an Administrative Law
Judge of the National Labor Relations
Board,**

Defendants.

Civil Action No. 6:24-cv-00203-ADA-DTG

**PLAINTIFF'S UNOPPOSED MOTION FOR A 7-DAY EXTENSION TO FILE REPLY
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure, Plaintiff Space Exploration Technologies Corp. (“SpaceX”) moves this Court for a short seven-day extension of time for the filing of its reply in support of its motion for a preliminary injunction—from May 30, 2024 to June 6, 2024.

Currently, Defendants’ response to the motion for a preliminary injunction is due May 23, 2024. Under Local Rule CV-7(E)(2), SpaceX’s reply will be due seven days later, on May 30, 2024. As set forth below, there is good cause to grant a short seven-day extension to June 6, 2024.

1. Defendants sought and obtained a two-week extension from this Court to file their response to SpaceX’s motion. The original response deadline was May 9, 2024, and SpaceX’s reply would have been due on May 16, 2024. Defendants’ response is now due on May 23, 2024.
2. This Court granted the Defendants’ motion for a two-week extension on May 1, 2024.¹
3. Pursuant to Local Rule CV-7(E)(2), SpaceX has seven days to file its reply. Currently, because of Defendants’ two-week extension, SpaceX’s reply is due on May 30, 2024.
4. SpaceX seeks a short seven-day extension, to June 6, 2024, to file its reply.
5. Granting the extension will allow SpaceX’s counsel and personnel adequate time to draft and review the reply. Between May 23 and the current deadline for SpaceX’s reply, SpaceX’s counsel and personnel will simultaneously be working on several matters. For example, Catherine Eschbach, the undersigned counsel-in-charge for this matter, has the following obligations:

- Drafting an objection to a *Santiago* proffer in *United States v. Paul La Schiazza*,

¹ SpaceX told Defendants’ counsel during conference on that motion that, without prejudice to its position that it was suffering irreparable harm, it was willing to agree to the two-week extension on the condition that Defendants agreed that, for any motion Defendants filed between April 26 and May 23 (the proposed new due date), Defendants would not seek to expedite their motion and would not oppose a reciprocal request for a two-week extension for SpaceX’s response deadline.

No. 22-CR-520 (N.D. Ill.), which is due on May 24, 2024.

- Drafting a reply in support of a motion to dismiss in *Muniz v. Amazon.com Services, LLC*, No. 5:23-CV-2768 (E.D. Pa.), which is due May 28, 2024, after having already received a one-week extension.
- Drafting an appellees' brief in *County of Clark v. Orbitz Worldwide, LLC*, No. 24-688 (9th Cir.), which is due on June 17, 2024, after having already received a 30-day extension.
- Drafting an appellees' brief in *Healthy Vision Association v. Abbott*, No. 24-10245 (5th Cir.), which is due on June 19, 2024. The opening brief is scheduled to be filed on May 20, 2024.
- Drafting an opening brief in *SpaceX v. NLRB*, No. 24-40315 (5th Cir), which is due on June 17, 2024.

As a result of the two-week extension requested by Defendants, their response is now due May 23, 2024—the Thursday before Memorial Day Weekend. In addition to the obligations above, the undersigned counsel has pre-paid international travel booked from May 24-29 over the holiday weekend. SpaceX's other counsel and personnel also have numerous preexisting professional responsibilities and pre-arranged holiday travel plans that will interfere with their ability to prepare and review the reply by May 30, the current due date.

6. SpaceX is not seeking this extension for purposes of delay, and given Defendants' request for a two-week extension for their response, SpaceX's requested one-week extension is unlikely to cause any prejudice to Defendants. *See* Dkt. 14.
7. SpaceX conferred with Defendants' counsel via email on May 17, 2024, and counsel

represented that Defendants were unopposed to this request.

For the foregoing reasons, there is good cause to grant SpaceX's motion to extend its deadline for the filing of the reply in support of the preliminary injunction (Dkt. 11) by seven days—from May 30, 2024 to June 6, 2024.

Dated: May 17, 2024

Respectfully submitted,

By: s/ Catherine L. Eschbach

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7(g), I hereby certify that on May 17, 2024, I conferred with counsel for the Defendants via email, who represented that Defendants are unopposed the foregoing motion.

s/ Catherine L. Eschbach
Catherine L. Eschbach

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2024, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification to all parties of record.

s/ Catherine L. Eschbach
Catherine L. Eschbach